VOLUME 62
INDEX—DIGEST

AGENCY

The Government Contractor Defense: Breaking the *Boyle* Barrier 403
Charles E. Cantu
Randy W. Young

BANKRUPTCY

Consumer Abuse of Bankruptcy: An Evolving Philosophy of Debtor Qualification for Bankruptcy Discharge 467
Richard E. Coulson

CHILDREN AND THE LAW

Regulating the Internet: A Critique of *Reno v. ACLU* 769
Debra M. Keiser

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

The Pregnant Child's Right to Self-Determination 1119
Katheryn D. Katz

CIVIL RIGHTS

Serial Killer Trading Cards and First Amendment Values: A Defense of Content-Based Regulation of Violent Expression 183
Jendi Reiter

Reflections on the Twenty-fifth Anniversary of *Roe v. Wade* 811
Sarah Weddington

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Now v. Scheidler: Protecting Women's Access to Reproductive Health Services 967
Fay Clayton
Sara N. Love

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

COMPUTER LAW

Don't Let the Millennium Bug Bite: Should New York Reinstate Sovereign Immunity for the Year 2000 Computer Glitch? 293
Jesse Ashdown

The Impact of "Fair Use" in the Higher Education Community: A Necessary Exception? 437
Stephana I. Colbert
Oren R. Griffin

Regulating the Internet: A Critique of *Reno v. ACLU* 769
Debra M. Keiser

CONSTITUTIONAL LAW

(*See also* State Constitutional Law)

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review . 91
Erin Rahne Kidwell

Regulating the Internet: A Critique of *Reno v. ACLU* 769
Debra M. Keiser

In Memoriam: Justice Harry A. Blackmun 801

Introductory Remarks 803
Patrick J. Borchers

Opening Remarks 805
Bonnie Steinbock

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Now v. Scheidler: Protecting Women's Access to Reproductive Health Services 967
Fay Clayton
Sara N. Love

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

My Body, My Consent: Securing the Constitutional Right to Abortion Funding 1057
Eileen L. McDonagh

The Pregnant Child's Right to Self-Determination 1119
Katheryn D. Katz

Notes of a Foot-Soldier 1167
Timothy J. Vinciguerra

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

Questions & Answer Session 1203

The New Jersey Supreme Court in the 1990s: Independence Is Only Skin Deep 1501
Karen L. Folster

The More Things Change, the More They Stay the Same: Interpreting the Pennsylvania Uniformity Clause 1695
Kristin E. Hickman

CONTRACTS

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

COPYRIGHT

The Impact of "Fair Use" in the Higher Education Community: A Necessary Exception? 437
Stephana I. Colbert
Oren R. Griffin

What's the Score?: Does the Right of Publicity Protect Professional Sports Leagues? 579
Pamela Edwards

COURTS AND PROCEDURE

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review . 91
Erin Rahne Kidwell

ABA Symposium II: Public Understanding and Perceptions of the American Justice System: Opening Remarks 1305
Philip S. Anderson

American Bar Association Report on Perceptions of the U.S. Justice System 1307

Panel Discussion: American Bar Association Report 1349
Jo-Ellan Dimitrius
Marilyn Goldman
Michael Asimow
Hon. Stanley G. Feldman
Peter D. Hart
Frances Zemans

Judicial Outreach Initiatives 1379
Hon. Veronica S. McBeth

Panel Discussion: Judicial Outreach Initiatives 1401
Robert Stein
Roberta Cooper Ramo
Hon. Veronica S. McBeth
Hon. Richard L. Fruin, Jr.
Hon. Thomas Merrigan
Amanda K. Todd
Hon. Ellen F. Rosenblum
Hon. Thomas A. Zlaket

Civic Education: Recent History, Current Status, and the Future . 1425
Charles N. Quigley

Panel Discussion: Civic Education. 1451
Hon. Raymond C. Fisher
Charles N. Quigley
Todd Clark
Jean Craven
Michael Hartoonian
Linda McNeil
Charles Tampio

Panel Discussion: Changes in American Life 1471
Thomas Patterson
Roberta Katz
Charles Kamaski
Rodney Jew
David Broder

Rethinking Traditional Approaches 1491
Hon. Judith S. Kaye

Closing Remarks 1499
Philip S. Anderson

CRIMINAL LAW AND PROCEDURE

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

The New Jersey Supreme Court in the 1990s: Independence Is Only Skin Deep 1501
Karen L. Folster

Breaking Stride: The Texas Court of Criminal Appeals' Rejection of the Lockstep Approach 1988-1998 1593
Jessica L. Schneider

DAMAGES

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

DISABILITY LAW

An Examination of the New York State Board of Law Examiners' Policy Towards Individuals with Learning Disabilities 737
Michael T. Snyder

DISCRIMINATION LAW

An Examination of the New York State Board of Law Examiners' Policy Towards Individuals with Learning Disabilities 737
Michael T. Snyder

ECONOMICS

Law & Economics and Tort Law: A Survey of Scholarly Opinion 667
John C. Moorhouse
Andrew P. Morriss
Robert Whaples

EDUCATION

Civic Education: Recent History, Current Status, and the Future . 1425
Charles N. Quigley

EMPLOYMENT LAW

How About a Real Answer? Mandatory Arbitration as a Condition of Employment and the National Labor Relations Board's Stance 257
Tanya A. Yatsco

ENVIRONMENTAL LAW

Fishing Rights in Nontidal, Navigable New York State Rivers: A Historical and Contemporary Perspective 147
Robert W. Malmsheimer
Donald W. Floyd

EQUAL PROTECTION

Just Cheap Butts, or an Equal Protection Violation?: New York's Failure to Tax Reservation Sales to Non-Indians 697
Karen L. Folster

Reflections on the Twenty-fifth Anniversary of *Roe v. Wade* 811
Sarah Weddington

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Now v. Scheidler: Protecting Women's Access to Reproductive Health Services 967
Fay Clayton
Sara N. Love

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

My Body, My Consent: Securing the Constitutional Right to Abortion Funding 1057
Eileen L. McDonagh

The Pregnant Child's Right to Self-Determination 1119
Katheryn D. Katz

FAMILY LAW

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

My Body, My Consent: Securing the Constitutional Right to Abortion Funding 1057
Eileen L. McDonagh

The Pregnant Child's Right to Self-Determination 1119
Katheryn D. Katz

Notes of a Foot-Soldier 1167
Timothy J. Vinciguerra

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

FIRST AMENDMENT

Serial Killer Trading Cards and First Amendment Values: A Defense of Content-Based Regulation of Violent Expression 183
Jendi Reiter

Regulating the Internet: A Critique of *Reno v. ACLU* 769
Debra M. Keiser

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Now v. Scheidler: Protecting Women's Access to Reproductive Health Services 967
Fay Clayton
Sara N. Love

HEALTH CARE LAW

Reflections on the Twenty-fifth Anniversary of *Roe v. Wade* 811
Sarah Weddington

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

Notes of a Foot-Soldier 1167
Timothy J. Vinciguerra

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

HOLMES, OLIVER WENDELL

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review . 91
Erin Rahne Kidwell

HUMAN RIGHTS

Coming Out: Decision-Making in State and Federal Sodomy Cases 355
Susan Ayres

INDIAN LAW

Just Cheap Butts, or an Equal Protection Violation?: New York's Failure to Tax Reservation Sales to Non-Indians 697
Karen L. Folster

INTELLECTUAL PROPERTY

The Impact of "Fair Use" in the Higher Education Community: A Necessary Exception? 437
Stephana I. Colbert
Oren R. Griffin

JUDICIAL PHILOSOPHY

Whitehead's Metaphysics and the Law: A Dialogue 1
Jay Tidmarsh

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review. 91
Erin Rahne Kidwell

JUDICIARY AND JUDICIAL ADMINISTRATION

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review. 91
Erin Rahne Kidwell

Judicial Outreach Initiatives 1379
Hon. Veronica S. McBeth

The New Jersey Supreme Court in the 1990s: Independence Is Only Skin Deep 1501
Karen L. Folster

Florida's State Constitutional Adjudication: A Significant Shift as Three New Members Take Seats on the State's Highest Court? 1547
Shane R. Heskin

The Supreme Court of Texas from 1989-1998: Independence Determined by Six-Year Terms .. 1649
Julie F. Siegel

JURISPRUDENCE

(*See also* State Constitutional Law)

Whitehead's Metaphysics and the Law: A Dialogue 1
Jay Tidmarsh

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review. 91
Erin Rahne Kidwell

The Qualitative vs. Quantitative Approach to Nonconforming Uses Under Section 52-61 of the New York City Zoning Resolution: The *Toys* Case 323
Jonathan P. Whalen

Coming Out: Decision-Making in State and Federal Sodomy Cases 355
Susan Ayres

Reflections on the Twenty-fifth Anniversary of *Roe v. Wade* 811
Sarah Weddington

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Pregnant Women Who Use Drugs, the Claim of Fetal Personhood, and the Threat to *Roe v. Wade* .. 999
Lynn M. Paltrow

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

Private Property, Public Property: Shopping Centers and Expressive Freedom in the States 1229
Stanley H. Friedelbaum

The New Jersey Supreme Court in the 1990s: Independence Is Only Skin Deep 1501
Karen L. Folster

The Supreme Court of Texas from 1989-1998: Independence Determined by Six Year Terms .. 1649
Julie F. Siegel

LABOR LAW

How About a Real Answer? Mandatory Arbitration as a Condition of Employment and the National Labor Relations Board's Stance 257
Tanya A. Yatsco

LAW AND MEDICINE

Reflections on the Twenty-fifth Anniversary of *Roe v. Wade* 811
Sarah Weddington

Abortion Before and After *Roe v. Wade*: An Historical Perspective 833
David J. Garrow

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

Notes of a Foot-Soldier 1167
Timothy J. Vinciguerra

Procreative Rights in Assisted Reproductive Technology: Why the Angst? 1187
Vincent F. Stempel

LEGAL EDUCATION

Teaching Law Students Through Individual Learning Styles 213
Robin A. Boyle
Rita Dunn

An Examination of the New York State Board of Law Examiners' Policy Towards Individuals with Learning Disabilities 737
Michael T. Snyder

LEGAL HISTORY

Whitehead's Metaphysics and the Law: A Dialogue 1
Jay Tidmarsh

The Paths of the Law: Historical Consciousness, Creative Democracy, and Judicial Review . 91
Erin Rahne Kidwell

NATURAL LAW

Untwisting the Common Law: Public Trust and the Massachusetts Colonial Ordinance 623
Jose L. Fernandez

PRODUCTS LIABILITY LAW

The Government Contractor Defense: Breaking the *Boyle* Barrier 403
Charles E. Cantu
Randy W. Young

PUBLIC POLICY

Fishing Rights in Nontidal, Navigable New York State Rivers: A Historical and Contemporary Perspective 147
Robert W. Malmsheimer
Donald W. Floyd

The Qualitative vs. Quantitative Approach to Nonconforming Uses Under Section 52-61 of the New York City Zoning Resolution: The *Toys* Case 323
Jonathan P. Whalen

An Examination of the New York State Board of Law Examiners' Policy Towards Individuals with Learning Disabilities 737
Michael T. Snyder

The Quandary of Pro-Life Free Speech: A Lesson from the Abolitionists 853
Lynn D. Wardle

REAL PROPERTY

Fishing Rights in Nontidal, Navigable New York State Rivers: A Historical and Contemporary Perspective 147
Robert W. Malmsheimer
Donald W. Floyd

The Qualitative vs. Quantitative Approach to Nonconforming Uses Under Section 52-61 of the New York City Zoning Resolution: The *Toys* Case 323
Jonathan P. Whalen

Just Cheap Butts, or an Equal Protection Violation?: New York's Failure to Tax Reservation Sales to Non-Indians 697
Karen L. Folster

Untwisting the Common Law: Public Trust and the Massachusetts Colonial Ordinance 623
Jose L. Fernandez

SPORTS LAW

What's the Score?: Does the Right of Publicity Protect Professional Sports Leagues? 579
Pamela Edwards

STATE CONSTITUTIONAL LAW

Don't Let the Millennium Bug Bite: Should New York Reinstate Sovereign Immunity for the Year 2000 Computer Glitch? 293
Jesse Ashdown

Just Cheap Butts, or an Equal Protection Violation?: New York's Failure to Tax Reservation Sales to Non-Indians 697
Karen L. Folster

Editor's Foreword 1213
Vincent Martin Bonventre

Tribute to Justice Stanley Mosk ... 1219
Hon. Lawrence H. Cooke

Justice Stanley Mosk 1221
Gerald F. Uelmen

Judicial Rebuttal 1225
Hon. Stanley Mosk

Private Property, Public Property: Shopping Centers and Expressive Freedom in the States 1229
Stanley H. Friedelbaum

Judicial Choice and the Politics of Abortion: Institutions, Context, and the Autonomy of Courts 1265
Paul Brace
Melinda Gann Hall
Laura Langer

ABA Symposium II: Public Understanding and Perceptions of the American Justice System: Opening Remarks 1305
Philip S. Anderson

American Bar Association Report on Perceptions of the U.S. Justice System 1307

Panel Discussion: American Bar Association Report 1349
Jo-Ellan Dimitrius
Marilyn Goldman
Michael Asimow
Hon. Stanley G. Feldman
Peter D. Hart
Frances Zemans

Judicial Outreach Initiatives 1379
Hon. Veronica S. McBeth

Panel Discussion: Judicial Outreach Initiatives 1401
Robert Stein
Roberta Cooper Ramo
Hon. Veronica S. McBeth
Hon. Richard L. Fruin, Jr.
Hon. Thomas Merrigan
Amanda K. Todd
Hon. Ellen F. Rosenblum
Hon. Thomas A. Zlaket

Civic Education: Recent History, Current Status, and the Future . 1425
Charles N. Quigley

Panel Discussion: Civic Education . 1451
Hon. Raymond C. Fisher
Charles N. Quigley
Todd Clark
Jean Craven
Michael Hartoonian
Linda McNeil
Charles Tampio

Panel Discussion: Changes in American Life 1471
Thomas E. Patterson
Roberta Katz
Charles Kamaski
Rodney Jew
David Broder

Rethinking Traditional Approaches 1491
Hon. Judith S. Kaye

Closing Remarks 1499
Philip S. Anderson

The New Jersey Supreme Court in the 1990s: Independence Is Only Skin Deep 1501
Karen L. Folster

Florida's State Constitutional Adjudication: A Significant Shift as Three New Members Take Seats on the State's Highest Court? 1547
Shane R. Heskin

Breaking Stride: The Texas Court of Criminal Appeals' Rejection of the Lockstep Approach 1988-1998 1593
Jessica L. Schneider

The Supreme Court of Texas from 1989-1998: Independence Determined by Six-Year Terms .. 1649
Julie F. Siegel

The More Things Change, the More They Stay the Same: Interpreting the Pennsylvania Uniformity Clause 1695
Kristin E. Hickman

STATE AND LOCAL GOVERNMENT

(See also State Constitutional Law)

Don't Let the Millennium Bug Bite: Should New York Reinstate Sovereign Immunity for the Year 2000 Computer Glitch? 293
Jesse Ashdown

The Qualitative vs. Quantitative Approach to Nonconforming Uses Under Section 52-61 of the New York City Zoning Resolution: The *Toys* Case..... 323
Jonathan P. Whalen

Judicial Outreach Initiatives..... 1379
Hon. Veronica S. McBeth

The Supreme Court of Texas from 1989-1998: Independence Determined by Six-Year Terms .. 1649
Julie F. Siegel

TAX LAW

Just Cheap Butts, or an Equal Protection Violation?: New York's Failure to Tax Reservation Sales to Non-Indians 697
Karen L. Folster

TORTS

What's the Score?: Does the Right of Publicity Protect Professional Sports Leagues? 579
Pamela Edwards

Law & Economics and Tort Law: A Survey of Scholarly Opinion 667
John C. Moorhouse
Andrew P. Morriss
Robert Whaples

My Body, My Consent: Securing the Constitutional Right to Abortion Funding..... 1057
Eileen L. McDonagh

TRIAL TACTICS

The Government Contractor Defense: Breaking the *Boyle* Barrier 403
Charles E. Cantu
Randy W. Young

Now v. Scheidler: Protecting Women's Access to Reproductive Health Services 967
Fay Clayton
Sara N. Love

TRUSTS AND ESTATES

Changes in the Role and the Form of the Trust at the New Millennium, or, We Don't Have to Think of England Anymore 543
Joel C. Dobris

ZONING LAW

The Qualitative vs. Quantitative Approach to Nonconforming Uses Under Section 52-61 of the New York City Zoning Resolution: The *Toys* Case..... 323
Jonathan P. Whalen

Untwisting the Common Law: Public Trust and the Massachusetts Colonial Ordinance 623
Jose L. Fernandez